



TOWN OF PARADISE

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www.townofparadise.com

January 7, 2019

FORCAL

RE: Your Public Records Request received December 30, 2018

To Whom it May Concern:

I am writing to you concerning your request for public records that was received on December 30, 2018. The request is for a voluminous amount of Town of Paradise public records. A copy of your request is attached.

Based on the very large volume of public records in your request relating to separate and distinct Town records, Government Code section 6253 provides that the time limit for disclosure may be extended for an additional 14 days.

As such, the Town's response will be due on January 23, 2019.

Sincerely,

LAUREN GILL
Town Manager

cc: Dwight L. Moore, Town Attorney
Marc Mattox, Assistant Town Manager

Please USE EMAIL ONLY for all communication.

Email: forcalpra@gmail.com

Town of Paradise
Dina Volenski, Town Clerk and Lauren Gill,
Town Manager – Public Records Act Request
5555 Skyway
Paradise, CA 95969
dvolenski@townofparadise.com,
lgill@townofparadise.com
via email

Our ref.
PD-2018-CAPRA-0013

Date
2018-12-30

RE: California Public Records Act Request – PD-2018-CAPRA-0013

To Whom It May Concern:

Please provide the following public records pursuant to the California Public Records Act Request (the “Act”).¹ If the recipient cannot address this request, please forward it to the appropriate official or staff member. “You” and “your,” below, refer to the public agency (Town of Paradise), and not merely the individual recipient or member, agent, officer, or employee of the public agency.

Note that as Act requests are not even required to be in writing² and may not be distinguished by the purpose of the request,³ I choose not to use any forms you may have made available for Act requests nor will I identify myself.

Please make note of the reference number (PD-2018-CAPRA-0013) as I have sent you multiple, distinct requests with different reference numbers. This is an additional request and does not replace any earlier request.

I look forward to:

¹References to the Act are made with respect to the Cal. Gov't. Code as listed on https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=, retrieved on December 12, 2018.

²“The California Public Records Act plainly does not require a written request.” *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.

³Gov't Code §6257.5 – “This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.”

- your determination and reply to this request within 10 calendar days including estimated date of record availability;⁴
- prompt disclosure⁵ of all disclosable records responsive to this request,
- citation of legal authority for any records or portions thereof withheld⁶ and names and titles⁷ of each person responsible for such withholding;
- your assistance, as needed, in: (i) identifying and locating responsive records and overcoming objections to their disclosure,⁸ and (ii) segregating nondisclosable portions of responsive records so as to maximize disclosure of the disclosable portions;⁹ and
- if necessary, assessment of the minimum required fees covering direct costs of duplication;

in accordance with the Act, any "requirements for [yourself] that allow for faster, more

⁴Gov't Code §6253(c) – "Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data."

⁵Gov't Code §6253(b) – "Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so."

⁶Gov't Code §6255 – "(a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing."

⁷Gov't Code §6253(d) – "Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial."

⁸Gov't Code §6253.1(a) – "When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought."

⁹Gov't Code §6253(a) – "... Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law."

efficient, or greater access to records,"¹⁰ and other applicable laws and regulations. Your responses and the contents of records disclosed may be published in the course of my research.

As detailed in Attachment 1, after notifying me of your Gov't Code §6253(c) determination of which records exist and are disclosable, please only duplicate or produce records with **total fees not to exceed \$5**, after which I can choose from and prioritize the remaining records.

Thank you for your prompt attention to this matter.

Sincerely,

forcalpra@gmail.com

encl: Attachment 1 – Request Specification

encl: Attachment 2 – List of Records Requested

¹⁰Gov't Code §6253(e)

Attachment 1 – Request Specification

Records Requested See Attachment 2.

Fees I believe I am to be charged solely for direct costs of duplication (if any), and not costs of research and review.

If the total fees will exceed \$5, please provide only those records with fees up to \$5 and contact me at my email address before conducting further activity which would incur additional fees.

However, please make a complete (fee-free) Gov't Code §6253(c) determination regarding disclosure on all requests, even if the final production would exceed \$5, so I can make an informed prioritization of which of the records exceeding \$5 I should request duplication.

Electronic Format This request is only for records available in electronic format.¹¹

If a record responsive to this request is unavailable or subject to additional fees because the record:

- is available only in non-electronic format (for example, physical writings that would have to be scanned),
- is not already held by you ¹² or used by you to create copies ¹³ in a format I can accept (plain text, comma- or tab-separated values, Microsoft Office, webpage/HTML, JPEG, PNG, TIFF, or PDF formats – and for geographical information: KMZ, KML, and GeoJSON formats),

¹¹Gov't Code §6253.9(a) – “Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.”

¹²Gov't Code §6253.9(a)(1)

¹³Gov't Code §6253.9(a)(2)

- would be produced only at otherwise regularly scheduled intervals,¹⁴ *or*
- requires any data compilation, extraction, or programming not required to be performed by the Act,¹⁵

please exclude the contents of that record from your response (and do not produce it), but identify the record and note the reason where possible.

Delivery

Please include the reference number PD-2018-CAPRA-0013 in all communications. For each record, I prefer delivery as follows (in order from best to worst option):

- If a record is already available on your public web site, please provide the existing URL.¹⁶
- If you are willing, please publish the record on your public web site so as to benefit the entire public and not just me, and provide the URL.¹⁷
- Email the record to **forcalpra@gmail.com** or, in the case of large data files, upload records to a Google Drive folder (which I can provide as needed).

If none of these delivery methods are acceptable, please contact me by email. If certain responsive records can be disclosed earlier than others, it is not necessary to wait for all records to be available. To reduce costs and environmental impact, I prefer not using physical media for any communications or record delivery.

¹⁴Gov't Code §6253.9(b)(1)

¹⁵Gov't Code §6253.9(b)(2)

¹⁶Gov't Code §6253(f) – “In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).”

¹⁷*Ibid.*

Attachment 2 – List of Records Requested .

Please prioritize the records in the order listed below and use the numbers below (such as “1.6.15”) when identifying responsive records, denying that responsive records exist, and/or providing legal authority for withholding responsive records. In addition to the definitions in the first paragraph of the request letter and the definitions in the Act, the following definitions apply

- “Agency personnel” means every member, agent, officer, or employee of the agency.
- “Agency policy” means any order, notice, ordinance, policy, directive, procedure, guideline, regulation, employee handbook, instruction, or resolution or other writing that provides instructions to agency personnel or persons outside the agency
- Cooperating fire agency: CAL FIRE, any state, city, town, county, or tribal fire department, police department, highway patrol, or sheriff’s department within the State, the California Public Utilities Commission, the United States Forest Service, the Bureau of Indian Affairs, the Bureau of Land Management, the Fish and Wildlife Service, the United States Fire Administration, the Federal Emergency Management Agency, the Department of Defense, the National Park Service, any Geographic Area Coordination Center, the National Wildfire Coordinating Group, the National Interagency Fire Center, the National Interagency Coordination Center, the National Multi-Agency Coordination group, any public agency at the state, tribal, local, or federal level that is a member of any of the foregoing five items, and any subordinate body of the foregoing
- Utility: any electricity or natural gas utility regulated by the California Public Utilities Commission, and any subsidiary, parent, or affiliate (at any level) thereof
- Utility personnel: employees, members, officers, directors, attorneys, or agents of a utility, its subsidiary, parent, or affiliate (at any level)
- Private firefighters: firefighters not employed by or volunteering for any public agency (for example, but not limited to, firefighters working on behalf of private property owners or insurance companies). Does not include any firefighters used by any public agency, whether they are employees or (sub)contractors at any level.
- Private firefighting entity: any employer or contractor of private firefighters. Does not include any public agency.
- Where contracts are requested, every contract in possession of the agency is included whether the agency, County, State or other public agency is a party.

Contracts shall include any promises or agreements, including those in an informal writing.

1. This item intentionally left blank.
2. Regarding agency-specific public records.
 - 2.1. Copies of all electronic record(s) you have provided in response to Public Records Act requests made by the Los Angeles Times or its employees from November 8, 2018 until December 30, 2018. If a record would be included in this item and an item below, it does not need to be provided twice, instead note its inclusion under this item.
 - 2.2. Records of all interviews, writings, or responses provided by agency personnel to the Los Angeles Times or its employees for the following story <https://www.latimes.com/local/california/la-be-camp-fire-deathtrap-20181230-story.html> – if you are unable to determine which story an interview is for, instead provide all responses to the Los Angeles Times between November 8, 2018 and December 30, 2018
 - 2.3. Record(s) of all evacuation plans (including but not limited to maps and directions) in place as of the day and time when the 2018 Camp Fire started
 - 2.4. Record(s) of all agency policies in place as of the day and time when the 2018 Camp Fire started that dictate how, when, and to whom to issue evacuation/emergency alerts, notifications, warnings, and orders
 - 2.5. Record(s) of all evacuation plans (including but not limited to maps and directions) codified or approved in 1998
 - 2.6. Record(s) of all evacuation plans (including but not limited to maps and directions) codified or approved in 2015
 - 2.7. Record(s) of all agency personnel writings discussing the Butte County June 2009 Grand Jury Final Report¹⁸ (the “Grand Jury Report”)
 - 2.8. Record(s) of all communications to or from the engineering firm responsible for designing the Skyway, including but not limited to warnings that narrowing Skyway would “reduce the number of vehicles that could pass

¹⁸http://www.buttecounty.net/Portals/1/GrandJury/08-09/Grand_Jury_Report_FY08-09-Pages_1-55.pdf

through”¹⁹ and any that it “advised against further “improvements,” such as a concrete median, citing the need to remember that the road was a fire evacuation route.”²⁰

¹⁹<https://www.latimes.com/local/california/la-me-camp-fire-deathtrap-20181230-story.html>

²⁰Ibid